

DEPARTMENT OF WORKFORCE
DEVELOPMENT
Secretary Roberta Gassman
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
FAX: (608) 266-1784
www.dwd.state.wi.us



State of Wisconsin
Governor Jim Doyle

DEPARTMENT OF HEALTH AND
FAMILY SERVICES
Secretary Helene Nelson
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhfs.state.wi.us

TO: **Economic Support Supervisors
Economic Support Lead Workers
Training Staff
Child Care Coordinators
W-2 Agencies**

FROM: Amy Mendel-Clemens
Communications Section
Bureau of Health Care Eligibility

BHCE/BWP OPERATIONS MEMO

No.: 03-72

Date: 11/25/2003

Non W-2 ☒ W-2 ☐ CC ☐

PRIORITY: HIGH

SUBJECT: **LIMITED SSI ELIGIBILITY ENDING FOR CERTAIN NON-CITIZENS**

CROSS REFERENCE: Medicaid Handbook 5.2.6, 5.2.6.1

EFFECTIVE DATE: Immediately

PURPOSE

This memo is being issued to notify ES agencies of the expiration of time-limited SSI benefits for certain Non-Citizens and to remind agencies of the routine SSI-MA extension process

BACKGROUND

With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), eligibility for SSI became very limited for non-citizens. For certain non-citizens, including refugees and asylees, SSI eligibility may last for no more than seven years. For these non-citizens, SSI eligibility ends seven years after:

- Admission as a refugee; or
- Withholding of deportation or removal; or
- Being granted asylum; or
- Becoming a Cuban/Haitian entrant; or
- Being granted Amerasian immigrant status.

The seven year time limit for the first non-citizens who became eligible for SSI following passage of PRWORA has now been reached. This seven year time limit for this group does **not** apply to MA. As a result, local agencies are starting to see an increase in the number of Medicaid (MA) applications and requests from former SSI recipients.

POLICY

Federal law requires that when on-going SSI benefits are terminated for any reason, the person must have his/her MA eligibility redetermined by the ES agency before Medicaid can be terminated. Notices are sent to these individuals notifying them that their SSI payments will end and instructing them to submit Medicaid re-determination forms to the Medicaid fiscal agent (EDS) or to contact their local ES agencies to continue their Medicaid benefits.

Even though this non-citizen population is losing their eligibility for SSI, they may still be eligible for MA because the eligibility status of non-citizens is not the same between the SSI and MA programs. MA does not have a seven year time limit. Local agencies must continue to process these re-determinations for MA. The instructions to determine MA eligibility for an individual who was terminated from SSI can be found in the MA handbook appendix 5.2.6 – 5.2.6.1.

NOTE > When processing redeterminations for this population you may confirm his/her citizenship status. It is possible these persons became citizens without notifying SSA. If they are citizens they may still be eligible for SSI.

To be eligible for MA, the individual must meet all the financial and nonfinancial requirements. This includes the requirement that the individual must be a U.S citizen or meets the alien eligibility criteria for MA. Refugees and asylees are considered qualified aliens for MA purposes. See MA Handbook appendix 2.2.0 for more information on alien eligibility requirements for MA.

Further information on non-citizen's eligibility for SSI can be obtained on the following web sites:
<http://www.ssa.gov/notices/supplemental-security-income/text-eligibility-ussi.htm>
http://www.acf.hhs.gov/programs/cb/laws/fed_reg/fr111797a6.htm

IMPACT ON OTHER PROGRAMS

Food stamp program

- If they are currently receiving food stamps, their immigration status and disability information has already been determined and would remain unchanged.
- Their food stamp benefit level may increase when their SSI payment ends.
- The SSI amount in CARES will go through the auto-update process.

Wisconsin Works (W2)

The Department of Workforce Development (DWD) will soon issue policy clarification in regard to working with this group of non-citizens for W-2 purposes.

CONTACTS

BHCE CARES Information & Problem Resolution Center

Email: carpolcc@dwd.state.wi.us
Telephone: (608) 261-6317 (Option #1)
Fax: (608) 266-8358

Note: Email contacts are preferred. Thank you.

DHFS/DHCF/BHCE/PH/JE